IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 288 OF 2002

1. Shree Shantadurga Saunsthan,
   a religious association,
   through its managing
   committee, represented by
   its President Shri Gajanan
   Salgaokar, Calangute,
   Bardez, Goa,

2. Shri Gajanan Laximan
   Salgaokar, President
   of P.1, r/o Gaurawado,
   Calangute, Bardez, Goa,

3. Shri Chandrakant K.
   Chodankar, Vice
   President of P.1, r/o
   Porbavaddo, Calangute,
   Bardez, Goa,

4. Shri Dilip Vithal Govekar,
   Secretary of P.1, r/o
   Sauntawado, Calangute,
   Bardez, Goa,

5. Shri Shankar Mohan Kerkar,
   Joint Secretary of P.1,
   r/o Naikawado, Calangute,
   Bardez, Goa,

6. Shri Pandurang Narcinva
   Matkar, Treasurer of P.1
   r/o Gaurawado,
   Calangute, Bardez, Goa,

7. Shri Yeshwant Babulo
   Kandolkar, Joint Treasurer
   of P.1, r/o Kobrawado,
   Calangute, Bardez, Goa. ... Petitioners.

Versus

1. Shri Martinho Lourdes,
   Campos Martins,

2. Smt. Cyta Das Augustias
   Fernandes e Martins,

3. Miss Filomena Lourdes,
   Campos Martins, all r/o
   Porbavaddo, Calangute,
   Bardez, Goa,

4. Shri Arvind S. Dessai,
r/o F.4 Garse Tower,
St. Inez, Panaji, Goa, and

5. First Additional Civil
Judge, Junior Division,
Mapusa, Goa. ... Respondents.

Shri V. P. Thali and Ms. Gandhali Pednekar, advocates for the petitioners.

Shri M. S. Usgaokar, Senior Advocate with Ms. S. Kamat, advocate for respondents no. 1 to 4.

CORAM: D. G. DESHPANDE, J.

DATE: 23rd January, 2003.

ORAL JUDGMENT

The petitioners in this Writ Petition filed a suit in a representative capacity under Order 1 Rule 8 of the Code of Civil Procedure. Thereafter, as required by Sub-rule (2) of Rule 8 of the Code of Civil Procedure, a public notice was published in the daily "Navprabha" at the expense of the petitioners/plaintiffs. Accordingly the said public notice was published on 5th April, 2002, giving the names of all those persons on whose behalf the representative suit was filed. The defendants raised objection that the notice was not published in the newspaper having large circulation and it was not proper compliance. That objection was upheld by the trial court by its Order dated 17th May, 2002, which is filed in this petition at Exh. E. This Writ Petition is filed against that order, because therein the plaintiffs were again directed to publish summons in the delay newspaper "Tarun Bharat", incorporating all the defects pointed out at least one month prior to the next date fixed in the matter.

2. I have heard both learned advocates at length. I do not find any substance in the objections raised, because the object of giving such notice is to make every one aware of the filing of the suit so that they can help and assist the plaintiffs or take whatever stands they want to take, depending upon their interest in the suit. Further, it is always open to such persons to approach the Court for making them proper parties. The objection raised by the defendants about the non-publication in a proper newspaper ought to have been rejected by the trial Court.

3. Hence, this Writ Petition is allowed. The impugned Order dated 17th May, 2002, is set aside. The trial to proceed further. No order as to costs.

D. G. DESHPANDE, J.

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